

REMARKS/ARGUMENTS

Favorable reconsideration of the present application is respectfully requested.

Claims 1 – 17, 19-35, 37-41 and 52- 55 are currently pending. Claims 30 and 35 have been amended. Claims 36 and 42-51 have been canceled by this amendment. Claim 18 has been previously canceled. No new matter has been added by this Amendment, and the amendments either place the claims in condition for allowance or at least in better form for Appeal.

Applicant would like to thank the Examiner for the courtesies extended to Applicant's Representative in a personal interview on November 3, 2006 and telephone interviews on January 3, 2007 and March 13, 2007. In accordance with MPEP §713.04, and as required on the Examiner's Interview Summaries of November 3, 2006 and January 3, 2007, submitted concurrently herewith are separate Statements of Substance of Interview for each interview.

Claim 37 is rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Applicant respectfully disagrees and traverses the rejection. Claim 37 recites that the “cured panel contains shrapnel between the elastomeric panel and the surface of the structure.” Applicant believes that the Examiner has misinterpreted the above claim language, which clearly states that the panel contains shrapnel between the panel and the structure surface and which is described on page 12 (*see*, third and fourth full paragraphs) and page 13 (*see*, titles on Tables 2, 3 & 4). In other words the panel holds/keeps any shrapnel that may come off the structure surface between the panel and the structure surface. Exhibit A, which is attached hereto, is a print-out of a definition of the word “contain” from the Free Online Dictionary that clearly shows the definition of “contain” to include “3.a. To hold or keep within limits; restrain; . . .” and “6. contain – hold back, as of a

danger or an enemy; check the expansion or influence of; . . .”. Therefore, nothing in the claim language indicates that “the panel contains shrapnel” as asserted by the Examiner. Accordingly, the Examiner is respectfully requested to formally withdraw the §112, first paragraph, rejection of Claim 37.

Claim 35 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicant has amended Claim 35 to overcome the rejection and now recites: “said channel is adapted to be fastened to an interior surface of said structure.” Therefore, the Examiner is respectfully requested to formally withdraw the §112, second paragraph, rejection of Claim 35.

Claims 1, 2, 6, 7, 12, 14, 15, and 19 are rejected under 35 U.S.C. § 103(a) as being anticipated by United States Patent Number 6,898,907, formerly United States Patent Application Publication Number 2002/0184841 (Diamond ‘907) in view of United States Patent Number 6,289,642 (Diamond ‘642). Applicant respectfully traverses the rejection.

Regarding Claim 1, Claim 1 recites, *inter alia*:

“spraying a layer of an elastomeric material to form a blast resistant panel of a predetermined thickness in the range of about 100 mil to about 250 mil; and

once cured, securing said blast resistant panel to a surface of said structure so that the blast resistant panel extends from at least two opposing edges of the surface of said structure.”

The Examiner’s assertion that Diamond ‘907, and specifically elements “920A or 920B only, not both layers 920B and 920A” (emphasis added) show the “spraying a layer of an elastomeric material to form a blast resistant panel of a predetermined thickness in the range of about 100 mil to about 250 mil” is incorrect and without basis. Layers 920A and 920B are two separate layers that are required to make up the complete embodiment of the invention shown in FIG. 14 of Diamond ‘907. There is no teaching, suggestion or motivation in Diamond ‘907 that would lead one of skill in

the art to deconstruct the invention in Diamond ‘907 as suggested by the Examiner. See, *Carston Manufacturing Co. v. Cleveland Golf Company*, 242 F.3rd 1376 (Fed Cir. 2001) – in holding an invention obvious in view of a combination of references, there must be some suggestion, motivation, or teaching in the prior art that would have led a person of ordinary skill in the art to select the references and combine them in a way that would produce the claimed invention. In addition, by deconstructing the invention in Diamond ‘907 to use only one half of the invention as suggested by the Examiner, the Examiner has rendered the invention in Diamond ‘907 to be inoperative for its intended purpose, since the minimum required thickness for any embodiment of the invention in Diamond ‘907 is 0.5 inches or 500 mil, which is twice the thickness recited in Claim 1. “If proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2nd 900, 221 USPQ 1125 (Fed. Cir. 1984)” (MPEP § 2143.01).

Diamond ‘907 also does not teach or suggest forming a “blast resistant panel of a predetermined thickness in the range of about 100 mil to about 250 mil; and . . . securing said blast resistant panel to a surface of said structure so that the blast resistant panel extends from at least two opposing edges of the surface of said structure.” Instead, Diamond ‘907 forms a compressible structure with a minimum thickness of 0.5 inches (500 mil) that is to be temporarily positioned over glass panes in a window that is disposed in a wall in a building to cushion and absorb forces from high winds and wind-borne debris to protect only the glass panes from shattering and damage (*see*, Diamond ‘907, Paragraphs [0003] and [0009]). As a result, Diamond ‘907’s compressible structure does not extend from at least two opposing sides of the surface of the structure, as recited in Claim 1.

While the invention in Diamond ‘907 operates to temporarily protect the glass pane from damage (i.e., breaking) due to storms and wind-borne debris, it is **not** a blast resistant panel as recited in Claim 1. In fact, the compressible structure in Diamond ‘907 would itself become shrapnel, if an explosion as described in the instant Application were to occur near a building with the compressible structure over the glass panes. There is no teaching or suggestion in Diamond ‘907 or Diamond ‘642 that the compressible structure therein is a blast resistant panel having a thickness in the range of between 100 mil and 250 mil or that the compressible structure extends from at least two opposing edges of the surface of the structure. Therefore, the §103(a) rejection of Claim 1 is believed to be overcome. Accordingly, the Examiner is respectfully requested to formally withdraw the §103(a) rejection of Claim 1 and Claims 2, 6, 7 and 12 that depend therefrom.

Regarding Claim 14, Claim 14 recites, *inter alia*:

“A blast-resistant panel comprising:

a cured layer of a sprayed elastomeric material having a predetermined thickness in the range of about 100 mil to about 250 mil, and

fastener elements for securing said cured layer to a surface of a structure so that the cured layer extends from at least two opposing edges of the surface of said structure.”

In contrast, and as discussed above in relation to Claim 1, the fact that the Examiner’s modification of Diamond ‘907 renders it inoperative for its intended purpose means that there is no suggestion or motivation to make the proposed modification. Likewise, the compressible structure in Diamond ‘907 is not a “blast resistant panel having a predetermined thickness in the range of about 100 mil to about 250 mil, and fastener elements for securing said cured layer to a surface of a structure so that the cured layer extends from at least two opposing edges of the surface of said structure,” as recited in Claim 14. The compressible structure in

Diamond '907 is a cushion that acts to prevent the shattering or fracturing of the glass pane underneath the compressible structure, it is not a blast-resistant panel and there is no disclosure or suggestion in Diamond '907 that the compressible structure would function as one. Therefore, for at least those same reasons given above for Claim 1, the rejection of Claim 14 is also believed to be overcome, and the Examiner is respectfully requested to formally withdraw the rejection of Claim 14 and claims 15 and 19 that depend therefrom.

Regarding Claim 19, Claim 19 recites, *inter alia*:

"the blast resistant panel has a thickness of about 180 mil."

Contrary to the Examiner's assertion, neither the claimed 100-250 mil range in Claim 14 (originally in original Claim 18, now canceled), which equals 0.1-0.25 inches, or the claimed 180 mil thickness of Claim 19, which equals 0.18 inches, falls within the 0.5 to 12 inch range disclosed in Diamond '907 or Diamond '942. Therefore, because each and every element of Claim 19 is not disclosed by the Diamond '907 and Diamond '942 combination, the Examiner has failed to satisfy the initial burden of proving a *prima facie* case of obviousness of Claims 18 and 19, and the Examiner is respectfully requested to formally withdraw the rejection of Claim 19.

Accordingly, the Examiner is respectfully requested to formally withdraw the Section 103(a) rejection of and issue a Notice of Allowance for Claims 1, 2, 6, 7, 12, 14, 15, and 19.

Claims 3 and 8 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Diamond '907 in view of Diamond '642 and further in view of Fyfe (United States Patent Number 6,806,212) and both depend from independent Claim 1. Applicant respectfully traverses the rejection. Diamond '642 and Fyfe, both individually and in combination, fail to make up for the deficiency of Diamond '907

and also fail to teach or suggest all of the elements of Claim 1. Therefore, for at least those reasons given above in relation to Diamond ‘907 for independent Claim 1, the §103(a) rejection of Claims 3 and 8 is also believed to be overcome. Accordingly, the Examiner is respectfully requested to formally withdraw the §103 rejection of Claims 3 and 8.

Claims 4, 5, 9, 10, and 20-22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Diamond ‘907 in view of Diamond ‘642 and further in view of Fyfe and variously depend from independent Claims 1 and 14. Applicant respectfully traverses the rejection. Diamond ‘642 and Fyfe, alone or in combination, fail to make up for the deficiency of Diamond ‘907 and also fail to teach or suggest all of the elements of Claims 1 and 14. Therefore, for at least those reasons given above in relation to Diamond ‘907 for independent Claims 1 and 14, the §103(a) rejection of Claims 4, 5, 9, 10, and 20-22 is also believed to be overcome. Accordingly, the Examiner is respectfully requested to formally withdraw the §103 rejection of Claims 4, 5, 9, 10, and 20-22.

Claims 11 and 13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Diamond ‘907 in view of Diamond ‘642 and further in view of Makami et al. (United States Patent Number 4,478,895) and both depend from independent Claim 1. Applicant respectfully traverses the rejection. Diamond ‘642 and Makami et al., alone or in combination, fail to make up for the deficiency of Diamond ‘907 and also fail to teach or suggest all of the elements of Claim 1. Therefore, for at least those reasons given above in relation to Diamond ‘907 for independent Claim 1, the §103(a) rejection of Claims 11 and 13 is also believed to be overcome. Accordingly, the Examiner is respectfully requested to formally withdraw the §103 rejection of Claims 11 and 13.

Claim 16 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Diamond ‘907 in view of Diamond’642 and further in view of Fyfe and depends from independent Claim 14. Applicant respectfully traverses the rejection. Diamond ‘642 and Fyfe, alone or in combination, fail to make up for the deficiency of Diamond ‘907 and also fail to teach or suggest all of the elements of Claim 14. Claim 16 contains similar language to that of Claims 3 and 8, therefore, for at least those reasons given above in relation to Diamond ‘907 for independent Claim 14 and dependent Claims 3 and 8, the § 103(a) rejection of Claim 16 is also believed to be overcome. Accordingly, the Examiner is respectfully requested to formally withdraw the §103 rejection of Claim 16.

Claim 23 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Diamond ‘907 in view of Diamond ‘642 and further in view of Makami et al. and depends from independent Claim 14. Applicant respectfully traverses the rejection. Diamond ‘642 and Makami et al., alone or in combination, fail to make up for the deficiency of Diamond ‘907 and also fail to teach or suggest all of the elements of Claim 14. Therefore, for at least those reasons given above in relation to Diamond ‘907 for independent Claim 14, the § 103(a) rejection of Claim 23 is also believed to be overcome. Accordingly, the Examiner is respectfully requested to formally withdraw the §103 rejection of Claim 23.

Claim 24 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Diamond ‘907 in view of Fyfe and further in view of Makami et al. and ultimately depends from independent Claim 14. Applicant respectfully traverses the rejection. Fyfe and Makami et al., alone or in combination, fail to make up for the deficiency of Diamond ‘907 and also fail to teach or suggest all of the elements of Claim 14. Therefore, for at least those reasons given above in relation to Diamond ‘907 for

independent Claim 14, the § 103(a) rejection of Claim 24 is also believed to be overcome. Accordingly, the Examiner is respectfully requested to formally withdraw the §103 rejection of Claim 24.

Claims 25 and 26 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Diamond ‘907 in view of Diamond ‘642, Fyfe and Makami et al. and further in view of Benedict et al. (United States Patent Number 5,681,612) and ultimately depend from independent Claim 14. Applicant respectfully traverses the rejection. Diamond ‘642, Fyfe, Makami et al. and Benedict et al., alone or in combination, fail to make up for the deficiency of Diamond and also fail to teach or suggest all of the elements of Claim 14. Therefore, for at least those reasons given above in relation to Diamond ‘907 for independent Claim 14, the § 103(a) rejection of Claims 25 and 26 are also believed to be overcome. Accordingly, the Examiner is respectfully requested to formally withdraw the §103 rejection of Claims 25 and 26.

Claims 14 and 17 are rejected under 35 U.S.C. § 103(a) as being anticipated by United States Patent Number 5,347,775 to Santos in view of Diamond ‘907 and claim 17 depends from Claim 14. Applicant respectfully traverses the rejection. The Examiner admits that Santos fails to teach or suggest all of the elements of Claim 14 and, as discussed above in relation to Claims 1 and 14, because the Examiner’s deconstruction of Diamond ‘907 renders it inoperative for its intended purpose, there is no suggestion or motivation to make the modification asserted by the Examiner. Therefore, for at least those reasons given above in relation to Diamond ‘907 for independent Claims 1 and 14, the § 103(a) rejection of Claims 14 and 17 are also believed to be overcome. Accordingly, the Examiner is respectfully requested to formally withdraw the §103 rejection of Claims 14 and 17.

Claims 27 and 28 are rejected under 35 U.S.C. § 103(a) as being unpatentable over United States Patent Number 6,269,597 to Haas in view of United States Patent Number 5,811,719 to Madden Jr. and further in view of Diamond ‘907 and Claim 28 depends from independent Claim 27. Applicant respectfully traverses the rejection.

Regarding Claim 27, Claim 27 recites, *inter alia*:

one or more flexible, blast-resistant panels having a predetermined thickness in a range between about 100 mil and 250 mil and constructed of an elastomeric material sprayed onto a fabric reinforcing layer,

said one or more flexible, blast-resistant panels having a steel channel fastened around a periphery thereof; and

a plurality of fasteners adapted to fasten said steel channel and said one or more flexible, blast-resistant panels to a wall of said structure so as to cover the wall of the structure with said one or more flexible, blast-resistant panels.

The Examiner admits that Haas fails to teach or suggest all of the elements of Claim 27. In addition, Madden Jr. and Diamond ‘907, alone or in combination, fail to teach all of the elements of Claim 27, and, as discussed above in relation to Claims 1 and 14, because the Examiner’s deconstruction of Diamond ‘907 renders it inoperative for its intended purpose, there is no suggestion or motivation to make the modification asserted by the Examiner. Therefore, for at least those reasons given above in relation to Diamond ‘907 for independent Claims 1 and 14, the § 103(a) rejection of Claims 27 and 28 are also believed to be overcome. Accordingly, the Examiner is respectfully requested to formally withdraw the §103 rejection of Claims 27 and 28.

Claim 29 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Haas in view of Madden Jr. and Diamond ‘907 and further in view of United States Patent Number 6,907,811 to White and Claim 29 depends from independent Claim 27. Applicant respectfully traverses the rejection. The Examiner admits that Haas fails to

teach or suggest all of the elements of Claim 27. In addition, Madden Jr., Diamond ‘907, and White, alone or in combination, fail to teach or suggest all of the elements of Claim 27, and, as discussed above in relation to Claims 1 and 14, the Examiner’s deconstruction of Diamond ‘907 renders it inoperative for its intended purpose, there is no suggestion or motivation to make the modification asserted by the Examiner. Therefore, for at least those reasons given above for independent Claims 1 and 14, the § 103(a) rejection of Claim 29 is also believed to be overcome. Accordingly, the Examiner is respectfully requested to formally withdraw the §103 rejection of Claim 29.

Claim 30 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Haas in view Diamond ‘907. Applicant has amended Claim 30 to overcome the rejection.

Regarding Claim 30, Claim 30 has been amended to incorporate language from dependent Claim 36 (now canceled) to recite, *inter alia*:

a flexible, blast-resistant panel of a sprayed elastomeric material having a predetermined thickness in the range of about 100 mil to about 250 mil;

a channel attached around a periphery of the flexible, blast-resistant panel; and

a plurality of fasteners to fasten said channel to a surface of a structure, the flexible, blast-resistant panel sized to extend across and cover an area between opposing sides of the surface of the structure.

In contrast, as described above for Claim 27, neither Haas nor Diamond ‘907, alone or in combination, teach or suggest forming “a flexible blast resistant panel of a sprayed elastomeric material having a predetermined thickness in the range of about 100 mil to about 250 mil” (emphasis added) that is “sized to extend across and cover an area between opposing sides of the surface of the structure”, as recited in Claim 30, and, as discussed above in relation to Claims 1 and 14, because the Examiner’s

deconstruction of Diamond ‘907 renders it inoperative for its intended purpose, there is no suggestion or motivation to make the modification asserted by the Examiner. Therefore, the §103(b) rejection of independent Claim 30 is believed to be overcome. Accordingly, the Examiner is respectfully requested to formally withdraw the §103(b) rejection of Claim 30.

Claims 31-35 and 37 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Haas in view of Diamond ‘907 and further in view of Madden Jr. and further in view of White (United States Patent Number 6,907,811) and Claims 31-35 and 37 depend from independent Claim 30. Applicant respectfully traverses the rejection. Diamond ‘907 and Madden Jr., alone or in combination, fail to make up for the deficiency of Haas and also fail to teach or suggest all of the elements of Claim 27, and, as discussed above in relation to Claims 1 and 14, because the Examiner’s deconstruction of Diamond ‘907 renders it inoperative for its intended purpose, there is no suggestion or motivation to make the modification asserted by the Examiner. Therefore, for at least those reasons given above in relation to independent Claims 1, 14 and 27, the §103(a) rejection of Claims 31-35 and 37 is also believed to be overcome. Accordingly, the Examiner is respectfully requested to formally withdraw the §103 rejection of Claims 31-35 and 37.

Claim 36 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Haas in view of Diamond ‘907. Claim 36 has been canceled by this Amendment, therefore respectfully asserts that the rejection is moot.

Claims 38-41 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Haas in view of Diamond ‘907 and Claim 38 depends from independent Claim 30 and Claims 39-41 depend from Claim 38. Applicant respectfully traverses the rejection. Diamond ‘907 fails to make up for the deficiency of Haas and also fails to teach or

suggest all of the elements of Claim 30, and, as discussed above in relation to Claims 1 and 14, because the Examiner’s deconstruction of Diamond ‘907 renders it inoperative for its intended purpose, there is no suggestion or motivation to make the modification asserted by the Examiner. Therefore, for at least those reasons given above in relation to Haas for independent Claims 1, 14 and 30, the §103(a) rejection of Claims 38-41 is also believed to be overcome. Accordingly, the Examiner is respectfully requested to formally withdraw the §103 rejection of Claims 38-41.

Claims 42-51 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Hartzell et al. (United States Patent Number 3,522,140). Claims 42-51 have been canceled by this Amendment, therefore Applicant respectfully asserts that the rejection is moot.

Claims 52 and 55 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Haas in view of Madden Jr. and further in view of Fyfe and Claim 55 depends from Claim 52. Applicant respectfully traverses the rejection.

Regarding Claim 52, Claim 52 recites, *inter alia*:

a cured, blast-resistant panel of a sprayed elastomeric material having a fabric reinforced layer embedded therein, the cured, blast-resistant panel having a predetermined thickness between about 100 mil and about 250 mil, a percent elongation at break in a range of about 400-800% and a tensile strength of about 2000 psi or greater, the fabric reinforcing layer being substantially planar and including warp and fill yarns defining an open grid pattern with openings of up to about 0.5 inches by 0.25 inches and a tensile strength of about 1200 psi by 1200 psi.

Contrary to the Examiner’s assertions, at a minimum, there is no teaching or suggestion in Haas, Madden Jr. or Fyfe that would motivate one of skill in the art to create the combination, or to believe that the “storm window panel” in Haas is blast-resistant, or that Madden Jr. discloses the plurality of cloth layers (made of either woven or layers of fibrous material) have an open grid pattern. This is true not only

for the portion relied on by the Examiner (Col. 6, lines 2-3), but also for the rest of Madden Jr., which is totally silent as to the fiber layer having any kind of open grid pattern, much less one with openings of up to about 0.5 inches by 0.25 inches, as recited in Claim 52. “The mere fact that the references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990)” (*see*, MPEP §2143.01). In the present case, the prior art does not teach or suggest the desirability of the claimed combination. Likewise, “[i]t is impermissible to use the claimed invention as an instruction manual or ‘template’ to piece together the teachings of the prior art so that the claimed invention is rendered obvious.” (*See*, *In re Fritch*, 972 F.2d 1260, 1266, 23 USPQ2d 1780, ____ (Fed. Cir. 1992), citing *In re Gorman*, 933 F.2d 982, 987, 18 USPQ2d 1885, 1888 (Fed. Cir. 1991)). Despite this prohibition, hindsight is exactly what the Examiner used to “piece together” this rejection. In addition, Madden Jr. or Fyfe, alone or in combination, fail to make up for the deficiency of Haas and also fail to teach or suggest all of the elements of Claim 52. Therefore, the Haas, Madden Jr. and Fyfe combination fails to teach or suggest “a cured, blast-resistant panel of a sprayed elastomeric material having a fabric reinforced layer embedded therein, the cured, blast-resistant panel having a predetermined thickness between about 100 mil and about 250 mil, a percent elongation at break in a range of about 400-800% and a tensile strength of about 2000 psi or greater, the fabric reinforcing layer being substantially planar and including warp and fill yarns defining an open grid pattern with openings of up to about 0.5 inches by 0.25 inches and a tensile strength of about 1200 psi by 1200 psi”, as recited in Claim 52. Accordingly, the Examiner is respectfully requested to formally withdraw the §103(a) rejection of Claim 52 and Claims 53-55 that depend therefrom.

Claim 53 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Haas in view of Madden Jr. and Fyfe and further in view of United States Patent Number 4,562,666 to Young, III and Claim 53 depends from independent Claim 52. Applicant respectfully traverses the rejection. The “channel system 17” alleged by the Examiner is actually a “square washer 17” (*see*, column 2, line 65) that is neither a “channel subsystem” nor is it “attached around a periphery of the cured panel,” as recited in Claim 53. In addition, Madden Jr., Fyfe, and Young, III fail to make up for the deficiency of Haas and also fail to teach or suggest all of the elements of Claim 52. For at least the reasons stated here and those reasons given above in relation to Haas, Madden Jr. and Fyfe for independent Claim 52, the §103(a) rejection of Claim 53 is also believed to be overcome. Accordingly, the Examiner is respectfully requested to formally withdraw the §103 rejection of Claim 53.

Claim 54 is rejected under 35 USC § 103(a) as being unpatentable over Haas in view of Madden Jr. and further in view of Fyfe and Claim 54 depends from independent Claim 52. Applicant respectfully traverses the rejection. For at least those reasons given above in relation to Haas, Madden Jr. and Fyfe for independent Claim 52, the §103(a) rejection of Claim 54 is also believed to be overcome. Accordingly, the Examiner is respectfully requested to formally withdraw the §103 rejection of Claim 54.

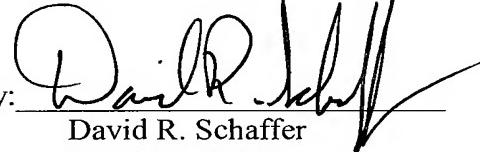
Therefore, all of the grounds of rejection under 35 U.S.C. § 103(a) are believed to be overcome and withdrawal of the rejections is respectfully requested. Accordingly, Applicant believes that the claims are now allowable and respectfully requests that the Examiner issue a Notice of Allowance for all of the currently pending claims.

Should the Examiner believe that any further action is necessary to place this application in better form for allowance, the Examiner is invited to contact Applicant's representative at the telephone number listed below.

The Commissioner is hereby authorized to charge to Deposit Account No. 50-1165 (T3572-908375US01) any fees under 37 C.F.R. §§ 1.16 and 1.17 that may be required by this paper and to credit any overpayment to that Account. If any extension of time is required in connection with the filing of this paper and has not been separately requested, such extension is hereby requested.

Respectfully submitted,

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con·tain (kən-tān')

tr.v. contained, containing, contains

1.

- a. To have within; hold.
- b. To be capable of holding.

2. To have as component parts; include or comprise: *The album contains many memorable songs.*

3.

- a. To hold or keep within limits; restrain: *I could hardly contain my curiosity.*
- b. To halt the spread or development of; check: *Science sought an effective method of containing the disease.*

4. To check the expansion or influence of (a hostile power or ideology) by containment.

5. *Mathematics* To be exactly divisible by.

[Middle English conteinen, from Old French contenir, from Latin contineō : com-, *com-* + tenēre, *to hold*; see ten- in Indo-European roots.]

con·tain·a·ble adj.

Synonyms: contain, hold¹, accommodate

These verbs mean to have within or have a capacity. *Contain* means to have within or have as a part or constituent: *The book contains some amusing passages.*

Hold stresses capacity for containing: *The pitcher holds two pints but contains only one.*

Accommodate refers to capacity for holding comfortably: *The restaurant accommodates 50 customers.*

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Thesaurus Legend: [Synonyms](#) [Related Words](#) [Antonyms](#)

Verb 1. contain - include or contain; have as a component; "A totally new idea is comprised in this paper"; "The record contains many old songs from the 1930's"

[comprise](#), [incorporate](#)

[include](#) - have as a part, be made up out of; "The list includes the names of many famous writers"

Exhibit A
10/510,691

2. **contain** - contain or hold; have within; "The jar carries wine"; "The canteen holds fresh water"; "This can contains water"

bear, carry, hold

include - have as a part, be made up out of; "The list includes the names of many famous writers"

contain, hold, take - be capable of holding or containing; "This box won't take all the items"; "The flask holds one gallon"

retain - hold within; "This soil retains water"; "I retain this drug for a long time"

encircle, environ, surround, circle, round, ring - be around; "Developments surround the town"; "The river encircles the village"

hold in, enclose, confine - close in or confine

3. **contain** - lessen the intensity of; temper; hold in restraint; hold or keep within limits; "moderate your alcohol intake"; "hold your tongue"; "hold your temper"; "control your anger"

curb, control, hold in, moderate, check, hold

limit, throttle, trammel, restrain, confine, bound, restrict - place limits on (extent or access); "restrict the use of this parking lot"; "limit the time you can spend with your friends"

conquer, inhibit, stamp down, suppress, subdue, curb - to put down by force or authority; "suppress a nascent uprising"; "stamp down on littering"; "conquer one's desires"

damp - restrain or discourage; "the sudden bad news damped the joyous atmosphere"

criticize, mortify, subdue - hold within limits and control; "subdue one's appetites"; "mortify the flesh"

abnegate, deny - deny oneself (something); restrain, especially from indulging in some pleasure; "She denied herself wine and spirits"

keep back, restrain, hold back, suppress, keep - keep under control; keep in check; "suppress a smile"; "Keep your temper"; "keep your cool"

restrict - place under restrictions; limit access to; "This substance is controlled"

train - train to grow in a certain way by tying and pruning it; "train the vine"

catch - check oneself during an action; "She managed to catch herself before telling her boss what was on her mind"

bate - moderate or restrain; lessen the force of; "He bated his breath when talking about this affair"; "capable of bating his enthusiasm"

thermostat - control the temperature with a thermostat

countercheck, counteract - oppose or check by a counteraction

4. **contain** - be divisible by; "24 contains 6"

arithmetic - the branch of pure mathematics dealing with the theory of numerical calculations

be - have the quality of being; (copula, used with an adjective or a predicate noun); "John is rich"; "This is not a good answer"

5. **contain** - be capable of holding or containing; "This box won't take all the items"; "The flask holds one gallon"

hold, take

be - have the quality of being; (copula, used with an adjective or a predicate noun); "John is rich"; "This is not a good answer"

contain, bear, carry, hold - contain or hold; have within; "The jar carries wine"; "The canteen holds fresh water"; "This can contains water"

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hold back, arrest, turn back, stop, check

cut down, cut out - intercept (a player)



defend - be on the defensive; act against an attack

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References in classic literature

They supposed that the Hen must **contain** a great lump of gold in its inside, and in order to get the gold they killed it.

[Fables by Aesop](#) [View in context](#)

He found that the newspaper storiette should never be tragic, should never end unhappily, and should never **contain** beauty of language, subtlety of thought, nor real delicacy of sentiment.

[Martin Eden by London, Jack](#) [View in context](#)

My reader then is not to be surprised, if, in the course of this work, he shall find some chapters very short, and others altogether as long; some that **contain** only the time of a single day, and others that comprise years; in a word, if my history sometimes seems to stand still, and sometimes to fly.

[The History of Tom Jones, a Foundling by Fielding, Henry](#) [View in context](#)

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con·tain  (kən-tān')

tr.v. **con·tained**, **con·tain·ing**, **con·tains**

1.

- a. To have within; hold.
- b. To be capable of holding.

2. To have as component parts; include or comprise: *The album contains many memorable songs.*

3.

- a. To hold or keep within limits; restrain: *I could hardly contain my curiosity.*
- b. To halt the spread or development of; check: *Science sought an effective method of containing the disease.*

4. To check the expansion or influence of (a hostile power or ideology) by containment.

5. *Mathematics* To be exactly divisible by.

[Middle English conteinen, from Old French contenir, from Latin *contingere*: *com-*, *com-* + *tenere*, *to hold*; see *ten-* in Indo-European roots.]

con·tain·a·ble adj.

Synonyms: **contain**, **hold**¹, **accommodate**

These verbs mean to have within or have a capacity. *Contain* means to have within or have as a part or constituent: *The book contains some amusing passages.*

Hold stresses capacity for containing: *The pitcher holds two pints but contains only one.*

Accommodate refers to capacity for holding comfortably: *The restaurant accommodates 50 customers.*

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Thesaurus

Legend: || Synonyms || Related Words || Antonyms

Verb 1. contain - include or contain; have as a component; "A totally new idea is comprised in this paper"; "The record contains many old songs from the 1930's"

|| comprise, incorporate

|| include - have as a part, be made up out of; "The list includes the names of many famous writers"

2. contain - contain or hold; have within; "The jar carries wine"; "The canteen holds fresh water"; "This can contains water"

|| bear, carry, hold

|| include - have as a part, be made up out of; "The list includes the names of many famous writers"

|| contain, hold, take - be capable of holding or containing; "This box won't take all the items"; "The flask holds one gallon"

|| retain - hold within; "This soil retains water"; "I retain this drug for a long time"

|| encircle, environ, surround, circle, round, ring - be around; "Developments surround the town"; "The river encircles the village"

|| hold in, enclose, confine - close in or confine

3. contain - lessen the intensity of; temper; hold in restraint; hold or keep within limits; "moderate your alcohol intake"; "hold your tongue"; "hold your temper"; "control your anger"

|| curb, control, hold in, moderate, check, hold

|| limit, throttle, trammel, restrain, confine, bound, restrict - place limits on (extent or access); "restrict the use of this parking lot"; "limit the time you can spend with your friends"

|| conquer, inhibit, stamp down, suppress, subdue, curb - to put down by force or authority; "suppress a nascent uprising"; "stamp down on littering"; "conquer one's desires"

damp - restrain or discourage; "the sudden bad news damped the joyous atmosphere"
criticize, mortify, subdue - hold within limits and control; "subdue one's appetites"; "mortify the flesh"
abnegate, deny - deny oneself (something); restrain, especially from indulging in some pleasure; "She denied herself wine and spirits"
keep back, restrain, hold back, suppress, keep - keep under control; keep in check; "suppress a smile"; "Keep your temper"; "keep your cool"
restrict - place under restrictions; limit access to; "This substance is controlled"
train - train to grow in a certain way by tying and pruning it; "train the vine"
catch - check oneself during an action; "She managed to catch herself before telling her boss what was on her mind"
bate - moderate or restrain; lessen the force of; "He bated his breath when talking about this affair"; "capable of bating his enthusiasm"
thermostat - control the temperature with a thermostat
countercheck, counteract - oppose or check by a counteraction

4. contain - be divisible by; "24 contains 6"

arithmetic - the branch of pure mathematics dealing with the theory of numerical calculations
be - have the quality of being; (copula, used with an adjective or a predicate noun); "John is rich"; "This is not a good answer"

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